

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1333 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

BIJALBHAI LAGHARABHAI

BHARVAD

Versus

EXECUTIVE ENGINEER

Appearance:

MR SANJAY M AMIN for Petitioners
MR KH BAXI for Respondent No. 1
MR MA BUKHARI ASSTT.GOV.T.PLEADER
for Respondent No. 2, 3

CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 11/09/97

ORAL JUDGEMENT

Heard Mr. Amin for the petitioners, Ms.Vora for Mr.Baxi for the respondent no.1 and Mr. Bukhari, AGP for the respondents nos. 2 and 3. The petitioners are the agriculturists owning land bearing Survey No. 331p of the size of 24 Acres situated in village Samadhiyala No.1, in Taluka Botad of Bhavnagar District. The petitioners have averred in his petition that in June, 1987, their land has been taken over by the respondents to construct a lake. They have come to this court pointing out that inspite of that much time having gone, the acquisition proceeding has not been initiated and the petitioners have not been paid the compensation. The petitioners have annexed copies of the Village Form 7-12 extracts to the petition. They have also annexed the

letter dt. 9/8/1995 addressed to the respondent no.1 by the Deputy Executive Engineer, asking him to proceed to take steps for acquisition of the land.

2. Notice was issued in this petition on 9th May, 1997. The respondents were served on 30th May, 1997. Only the respondent no.1 has cared to file a reply, but he does not controvert the above statement made in the petition.

3. In this view of the matter, Rule is issued on the petition and the same is made returnable forth with. All the three learned advocates have made their submissions. An appropriate order, in the circumstances, will be, to direct the respondent no.2 to take steps to get necessary notification under the Land Acquisition Act issued. Mr. Amin submits that a certain time limit be specified for that purpose. In view of the fact that more than 10 years have gone and such averments made in the petition are not controverted to, such time limit is absolutely necessary. The respondents shall, therefore, issue the notification under Sec.4 of the Land Acquisition Act within three months from the receipt of writ and take further steps thereafter in accordance with the Land Acquisition Act. Rule is made absolute accordingly. There will be no order as to costs. Direct service permitted. Liberty to apply in the event of any difficulty.

(ccs)